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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 3:21-mj-70422
)	
Plaintiff,)	STIPULATION AND PROTECTIVE ORDER
)	[PROPOSED]
v.)	
)	
BRENDAN JACY TATUM, and)	
JOSEPH HUFFAKER,)	
)	
Defendants.)	

With the agreement of the parties, the Court enters the following Protective Order:

Defendants are both charged with a violation of 18 U.S.C. § 1951, conspiracy to commit extortion under color of official right. Brendan Jacy Tatum is also charged with a violation of 18 U.S.C. § 1519, falsification of records in a federal investigation, as well as 26 U.S.C. § 7201, tax evasion. Upon receipt of a discovery request, the United States will produce documents and other materials pertaining to the defendants and the charged offenses to defense counsel. The discovery to be provided includes documents or other materials falling into one or more of the following categories (collectively, “Protected Information”):

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STIPULATION AND [PROPOSED] PROTECTIVE ORDER

3:21-mj-70422

- 1 1. Personal Identifying Information of any individual (other than his or her name), including
- 2 without limitation any person's date of birth, social security number, residence or business
- 3 address, telephone numbers, email addresses, driver's license number, professional license
- 4 number, family members names, or criminal histories ("Personal Identifying Information");
- 5 2. Financial information of any individual or business, including without limitation bank
- 6 account numbers, credit or debit card numbers, account passwords, contact information, and
- 7 taxpayer identification numbers ("Financial Information"); and
- 8 3. Medical records or other patient information of any individual covered by the Health
- 9 Insurance Portability and Accountability Act of 1996 (HIPPA) ("Medical Information").

10 To ensure that Protected Information is not subject to unauthorized disclosure or misuse,

11 **IT IS HEREBY ORDERED** that defense counsel of record, their investigators, assistants, and
12 employees (collectively, "the defense team") may review with the defendants all discovery material
13 produced by the government, but shall not provide the defendants with copies of, or permit defendants to
14 make copies of, or have unsupervised access to, any discovery material produced by the government that
15 contains Protected Information, unless the Personal Identifying Information, Financial Information,
16 and/or Medical Information has first been **entirely redacted** from the discovery materials. The
17 government and defense counsel are ordered to work together to ensure that these materials are
18 protected, but that the defendants have as much access to the materials as can be provided consistent
19 with this Court's order. Discovery material that clearly pertains to a specific defendant and does not
20 contain Protected Information regarding any other person (*e.g.*, defendant's own bank records, telephone
21 records, and business records) may be provided to that defendant unredacted.

22 Defense counsel may also provide unredacted copies of Protected Information to any experts
23 retained to assist with the preparation of the defense in the captioned case. The defendants, all members
24 of the defense team, and any experts who receive discovery under this Order shall be provided a copy of
25 this Order along with those materials and shall initial and date the order reflecting their agreement to be
26 bound by it.

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1 The materials provided pursuant to this protective order may only be used for the specific
2 purpose of preparing or presenting a defense in this matter, unless specifically authorized by the Court.

3 This Order shall also apply to any copies made of any materials covered by this Order.

4 **IT IS FURTHER ORDERED** that neither a defendant nor any member of the defense team
5 shall provide any discovery material produced by the government—whether or not the material
6 constitutes or contains Protected Information within the meaning of this Order—to any third party (*i.e.*,
7 any person who is not a member of the defense team) or make any public disclosure of the same, other
8 than in a court filing, without the government’s express written permission or further order of this Court.
9 If a party files a pleading that references or contains or attaches Protected Information subject to this
10 Order, that filing must be under seal.¹

11 **IT IS FURTHER ORDERED** that defense counsel shall return materials subject to this
12 Protective Order (including any copies) to the United States within 14 days after whichever event occurs
13 last in time: dismissal of all charges against the defendant; defendant’s acquittal; defendant’s sentencing;
14 or the conclusion of any direct appeal. After the United States receives documents and materials subject
15 to this Order, it shall maintain those documents and materials until the period for filing a motion under
16 28 U.S.C. § 2255 has expired. After the statutory period for filing a motion under 28 U.S.C. § 2255 has
17 expired, the United States is free to destroy documents and materials subject to this Order. If defendant
18 is represented by counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide
19 counsel with the documents and materials subject to this Protective Order under the terms of this Order.
20 Defendant’s attorney in any motion under 28 U.S.C. § 2255 shall return the documents and materials
21 subject to this Protective Order within 14 days after the district court’s ruling on the motion or 14 days
22 after the conclusion of any direct appeal of the district court’s order denying the motion, whichever is
23 later. This stipulation is without prejudice to either party applying to the Court to modify the terms of

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25 //

26
27
28 ¹ This Order authorizes such filings under seal and the parties are not required to seek additional
authorization from the Court to do so.

any protective order. This Court shall retain jurisdiction to modify this Order upon motion of either party even after the conclusion of district court proceedings in this case.

IT IS SO STIPULATED.

STEPHANIE M. HINDS
Acting United States Attorney

/s/

Dated: March 15, 2021

CYNTHIA FREY
Assistant United States Attorney

/s/

Dated: March 15, 2021

STUART HANLON
Counsel for Defendant, Brendan Jacy
Tatum,

/s/

Dated: March 15, 2021

JONATHAN RAPEL
Counsel for Defendant, Joseph Huffaker

IT IS SO ORDERED.

Dated:

HON. SALLIE KIM
United States Magistrate Judge